

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CORNELIUS BROWN,)	
)	
Plaintiff,)	8:16CV377
)	
v.)	
)	
DEPARTMENT OF HEALTH AND)	
HUMAN SERVICES, COURTNEY)	MEMORANDUM
PHILIPS, Director, SHANNON)	AND ORDER
BLACK, Program Director, KYLE)	
MALONE, SOS Team Leader,)	
WILLIAM BECKER, Program)	
Therapist, CINDY DYKEMAN,)	
Program Manager, and LISA)	
LAURELL, Program Social Worker,)	
et. al.,)	
)	
Defendants.)	
)	

Plaintiff's complaint—which has now been served upon defendants Becker, Black, Dykeman, Laurell, Malone, Philips, and the Department of Health and Human Services—concerns incidents that occurred at the Lincoln Regional Center related to Plaintiff's requests to wear clothing consistent with her gender identity.¹ (Filing No. [12](#) (proof of service).)

Now Plaintiff has filed a Motion to Amend Complaint (Filing No. [13](#)) seeking to add four defendants, factual allegations, and claims related to incidents that occurred after her transfer from the Lincoln Regional Center to the Norfolk Regional Center. Because Plaintiff's Motion to Amend Complaint contains new factual allegations describing incidents that allegedly occurred at another institution during a different time frame and that involved different defendants, and because service of

¹Plaintiff is a biological male, but identifies as a female.

the operative complaint upon the defendants has already been completed, I shall deny Plaintiff's motion without prejudice to bringing such claims in a separate action. *See [Leaming v. Helder](#), No. 5:14-CV-5114, 2015 WL 1456907, at *1 (W.D. Ark. Mar. 30, 2015)* (to the extent transferred pro se prisoner's objections to report and recommendation could be construed as motion to amend complaint to bring new claims against new parties after motions for summary judgment had been filed, such motion was denied, and "[a]ny non-frivolous claims Plaintiff wishes to make against another person or entity subject to suit may be brought in a separate action.").

Accordingly,

IT IS ORDERED that Plaintiff's Motion to Amend Complaint (Filing No. [13](#)) is denied without prejudice to bringing such claims in a separate action.

DATED this 20th day of December, 2016.

BY THE COURT:
s/ *Richard G. Kopf*
Senior United States District Judge